

# **Exhibit 1**

## **MIA SWE'S DECLARATION**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RUPAN CHAKMA, SULOY TRIPORA, TAPAN KANTI  
TANCHANGYA, TIYANIT KAEWPAN, and PRAMITA  
CHAKMA, on behalf of themselves and others similarly  
situated,

Plaintiffs,

- against -

SUSHI KATSUEI, INC. d/b/a SUSHI KATSUEI PARK  
SLOPE, ROYAL KATSUEI, INC. d/ba SUSHI KATSUEI  
WEST VILLAGE, AYE AYE SWE, and AUNG KO WIN,

Defendants.

Case No. 1:23-cv-07804-KPF

**DECLARATION OF  
MYA SWE**

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I, Mya Swe, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Mya Swe, and I am a non-party in the above-captioned case.
2. I am a resident of Kings County, New York.
3. I work as a server for Sushi Katsuei, Inc. located in Brooklyn, New York  
(hereafter, "Sushi Katsuei" or "the Restaurant").
4. I understand that Plaintiffs' counsel has submitted declarations by Mr. Binoy  
Chakma and Mr. Jie Wei accusing me of pressuring them to opt out of the lawsuit and offering  
improper incentives and bribes.
5. I have reviewed Mr. Chakma's and Mr. Wei's declarations with an interpreter who  
is familiar with both Burmese and English.
6. I categorically deny these allegations. I did not pressure, threaten, or coerce Mr.  
Chakma or Mr. Wei, nor did I offer or give any incentives or bribes in exchange for any opt-out  
letter or statement. I did not mislead them in any way.

7. Neither Aye Aye Swe nor Aung Ko Win had any involvement whatsoever in the alleged conduct. Aye Aye Swe and Aung Ko did not communicate with any class members, were unaware of any such communications, and had no knowledge of the allegations until Plaintiffs' counsel raised them by filing the letter with the Court attaching the declarations of Mr. Chakma and Mr. Wei.

8. I have always helped Mr. Chakma as I know that he is recovering from alcohol and health related issues, and I provided support to him well before the named-Plaintiffs commenced this action.

9. I consider Mr. Chakma as my good friend.

10. I worked with Mr. Chakma for about one (1) year in 2022/2023 at Sushi Katsuei.

11. Although I did not know Mr. Chakma until we started working together at Sushi Katsuei, we developed a friendship as we worked together. We exchanged phone numbers as Mr. Chakma often asked for help to cover his shift and assist him in performing his duties at work when he was not able and/or capable of properly serving the Restaurant's customers due to his health issues.

12. Even after Mr. Chakma stopped working at Sushi Katsuei, we maintained our personal communications to stay in touch. I recall that Mr. Chakma called me at least twice after he stopped working at the Restaurant and had casual "personal talks," unrelated to this lawsuit.

13. I have been hearing about Mr. Chakma's health condition and well-being through my co-workers once in a while.

14. I recall that about three (3) months ago, one of my co-workers, who is also a member of my community, informed me that Mr. Chakma was sick. I have been keeping his condition in my thoughts.

14. I recall that about three (3) months ago, one of my co-workers, who is also a member of my community, informed me that Mr. Chakma was sick. I have been keeping his condition in my thoughts.

15. On or about June 7, 2025, one of my co-workers told me that Mr. Chakma was sick and suggested that I visit him together. As I was not scheduled to work on June 10, 2025, I decided to join my co-worker to visit Mr. Chakma.

16. I did not give any gift card to Mr. Chakma, and I have never offered Mr. Chakma a bribe.

17. I did not know that Mr. Chakma had moved to Albany until my co-worker drove me to his place on June 10, 2025.

18. I met Mr. Chakma at his apartment but I did not know where he lived, as my co-worker guided me to his place.

19. When I saw Mr. Chakma, I asked him, "are you ok?" Mr. Chakma told me he was ok.

20. Mr. Chakma stated that he "does not want to get involved," and then he showed me a copy of his letter not to be involved.

21. Regarding Mr. Jie Wei, I sent him a single text message - one text message - as a friend and former colleague. Since I have limited skills to write a text message in English, I used "chatgpt" to translate my communication from Burmese to English and attempted to convey my message to Mr. Wei in a respectful and friendly manner. I had no intention to include any threats, pressure, or misleading statements.

22. I worked with Mr. Wei at Sushi Katsuei for less than a year after the COVID pandemic occurred.

24. When I called Mr. Wei to touch base, he told me that he "did not want to get involved" in this case and told me that when he received Plaintiffs' letter, he would send his response to Plaintiffs' Counsel.

25. I never asked Mr. Wei whether he wanted to exclude himself from the lawsuit.

26. As far as I am aware, Mr. Wei is not a client of Plaintiffs' counsel, Joseph & Kirschenbaum LLP.

27. Mr. Wei's declaration and allegation does not reflect the nature of my actual interaction and/or communication with Mr. Wei.

28. Mr. Wei has dined at our Brooklyn restaurant one or two times in the last 2-3 years. I have always considered him a friend and former customer. Our contact was social and informal.

29. I never asked Mr. Wei to opt out of the case multiple times, nor did I call him repeatedly or instruct others to contact him on my behalf. I sent one text and I did not harass or manipulate him in any way.

30. I have not contacted anyone to influence or interfere illegally with the legal process.

31. Aye Aye Swe and Aung Ko Win have absolutely no involvement in any of these alleged communications. They were unaware of any of my own outreach and had no role in any of the matters raised by Plaintiffs.

32. Going forward, I will be more aware and careful of my communications with class members.


33. My actions were placed in my own efforts to communicate with my former co-workers, Mr. Chakma, and Mr. Wei because I am concerned about my future at the Restaurant if the Restaurant shuts down.

34. At no time and under no circumstances did Aye Aye Swe or Aung Ko Win participate in any communications with class members, nor were they aware of my communications with my co-workers, Mr. Chakma, and Mr. Wei.

35. I submit this declaration to formally deny and correct the record regarding the false claims made in Mr. Chakma's and Mr. Wei's declarations. I ask the Court to consider this sworn statement in evaluating the credibility and context of the allegations.

I, Mya Swe, affirm under the penalty of perjury of the law of the United States that the above statements interpreted to me in Burmese, and they are true and correct.

Dated: July 1, 2025  
Brooklyn, New York

  
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Mya Swe